

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
March 6, 2001

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:00 p.m., Tuesday, March 6, 2001, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and H. R. Ashe.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. Miss Christina Pinnel, York County Youth Commission, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

PRESENTATIONS

YORK COUNTY YOUTH COMMISSION

Mr. Daniel Shean, Chairman of the York County Youth Commission, made the third quarterly report to the Board of Supervisors indicating the Commission sponsored the annual County-wide student dance on January 27 which was attended by over 900 high school students. A ski trip also took place on February 24. Both functions turned out to be very successful. Mr. Shean also reported on other Commission activities such as helping with the Bingo Valentine Party at the Senior Center, updating the website, and coordinating with VDOT on an Adopt-A-Highway project. He stated the goal of the Commission is to be able to meet with groups in the schools and familiarize them with County government and hear their concerns. The Youth Commission wishes to help teens gain an understanding of what the Board of Supervisors does. Mr. Shean also noted that nominations were being received for the Outstanding Youth Awards until March 8, and applications were being sought for the 2001-2002 Youth Commission appointments. He also welcomed Mr. Ashe as the new Board Liaison to the Youth Commission.

FISCAL YEAR 2002 BUDGET

Mr. McReynolds presented to the Board of Supervisors the proposed FY2002 Budget, and he reviewed the General Fund budget issues impacting the budget which included:

- No tax rate increase
- Population growth
- School funding
- Employee compensation

Adult incarceration

He discussed projected General Fund revenues by source which indicates a \$3.6 million or 4.95 percent increase over FY2001. The population is expected to grow by about 2.4 percent from 2001 to 2002 with 60,700 people residing in York County in July of 2001. The student population in the County is only expected to increase by about 10 students over the projected FY2001 figure. During calendar year 2000, 576 new housing units were completed in the County, and construction is expected to continue at a slightly slower pace during 2001. Education is by far the largest single expenditure and priority in the General Fund taking 46 percent of its total. The School Board was initially told it would receive an increase of \$1.1 million in the local contribution for education which equated to the same 4.95 percent increase on the County side. Mr. McReynolds reported that County revenue projections were now higher than originally anticipated, and he was recommending an additional \$225,000 of local support for the School Division for a total of \$1,325,000 for School operations. He reviewed the decline in state and federal funding and the increase in local funding for the school system over the past years. Mr. McReynolds then reviewed the 10.5 new positions being recommended as well as recommended compensation cost increases due to step adjustments and a 2.4 percent market adjustment. He briefly reviewed the non-personnel increases amounting to \$858,000, with the largest single item in the category being the increase due to adult incarceration. In summary, Mr. McReynolds stated that over the past years, population growth, additional school and other programs, declining federal and state support, and program cost shifting have greatly raised the demand on County resources, although the proposed budget maintains tax rates at their current levels.

Mr. Zaremba asked if the revenue projections included the current budget impasse in the General Assembly.

Mr. McReynolds stated the projections were level with the adopted 2001 budget.

Mr. Zaremba asked if staff anticipated any decreases in state funding.

Mr. McReynolds stated staff was not as concerned about direct cuts as it was with indirect cuts. Social Services and those types of agencies are most at risk. It would be better if the General Assembly and the Governor could reach a compromise that provided more funding than the base 2001 budget.

Discussion followed concerning the discretionary programs at risk of losing state funding.

CITIZENS COMMENT PERIOD

Mr. Andy Paré, 102 Chapel Hill Lane, spoke of reasons why the Skimino Hills area needs public sewer lines installed.

Mr. Jim Strong, 8 Rue De Grasse, Poquoson, one of the owners of Aqua Marine, stated the proposed change to the York County Code regarding eating facilities at marinas seems somewhat arbitrary and too restrictive. He stated it did not serve the interests of the community at large or the business community of York County. He stated any governing body should take the time necessary to gather information from the business and residential communities before making such a decision. He noted there were restaurants at marinas all up and down the east coast, and there were plenty of current regulations on the books that would take care

of any problems associated with this type of development. He asked the Board to extend its consideration of this proposed amendment until after March 20.

Mr. Gus Dovi, 149 Quaker Meeting House Road, spoke concerning the proposed Burke Development, stating the actions of the developer have had a negative impact on the community. The site has been logged, and the dirt has been sold off to VDOT. Truck traffic was damaging the road bed on Fenton Mill Road. Mr. Dovi indicated there were many other issues which did not make this contractor a good neighbor. The County has not answered the community as to why these conditions have been allowed to continue, and Mr. Dovi stated he felt the Board should be looking out for the welfare of the citizens of the community and not grant this contractor any special privileges.

Mr. Robert G. McIntosh, 209 Belvin Lane, stated he spent most of his life working all over the world, and he spent 3 ½ years looking for a property to buy and develop into a proper marina. He stated he then spent 5 years trying to put together the proper package to build a first-class boat yard/marina in York County. He stated if the staff's proposal concerning eating establishments at marinas is adopted by the Board, it will clearly affect his development and his future. Mr. McIntosh stated York County is a water-oriented community, and there are no proper facilities for storage of boats. He asked the Board to consider what needs to be done to develop this property for the benefit of all the people in the County.

Mr. Tom Hoyt, 108 Cherwell Court, spoke concerning the public water and sewer extension agreement for the proposed Burke development. He thanked the Board for deferring a decision on this matter until more public input could be gathered. He stated the property is already zoned rural residential as is all the surrounding property. Within that zoning, the developer has a right to put in 40-50 houses and doesn't need a special use permit; and in order to do this, the property will need water and sewer access. He asked the Board to separate the two issues of water and sewer extension to the property and the proposed development for the school. He stated staff should strike the best agreement it can for water and sewer extension and then let the normal process take place on the use permit as a zoning issue on its own.

Mr. Larry Rabinowitz, 104 Ann's Court, spoke of the proposed move of the Williamsburg Christian Academy to the Burke property. He stated he used to live in Skipwith Farms when the Academy took up residence there. Most of the residents opposed the plan because of increased noise and traffic due to the school. He stated the residents were assured then that no problems would arise. Once the school moved in, the residents saw increased traffic and heard cars with loud stereos playing. School activities were not restricted to week days. Mr. Rabinowitz stated the noise and traffic got so bad he moved to Old Quaker Estates. Now the school wishes to relocate; and if the proposal is approved, he will have to move again.

Ms. Laura Tucker, 108 Cherwell Court, stated she was not against people who need sewer and water getting it, but there were several issues about the extension that troubled her. She asked how the County would be best served by the proposed agreement when the same three wells will provide water from the same aquifer.

Ms. Jean Petkófsky, 238 Kingsgate Road, representing the Banbury Cross Homeowners Association, indicated the Association voted to ask the Board of Supervisors to change the language in the water and sewer agreement resolution that links it to the proposed development. The Association feels it is a separate issue that should be considered on its own merit. Ms. Petkófsky asked other Banbury Cross residents present at the meeting in favor of this request to stand and be recognized at this time.

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Mr. Jack Mandaro, 395 Fenton Mill Road, stated he has had problems with his well which he didn't have for the first 13 years until James City County drilled two wells. He stated he had to drop his well an additional 60 feet, and James City County paid for it. He stated water will continue to be a problem in that area, and Mr. Waltrip has offered \$500,000 to help extend these needed utilities. Mr. Mandaro indicated he had talked with a number of people living in Skimino Hills who have stated they found the school to be a good neighbor, and he did not feel a neighborhood school was a bad thing. He stated he supported the application.

Meeting Recessed. At 7:56 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened. At 8:02 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARING

SEAFORD, CLAXTON CREEK, AND DARE SEWER AND WATER PROJECTS

Mr. Barnett made a brief presentation concerning proposed Resolution R01-39 to declare the necessity to take certain easements in connection with the Claxton Creek, Dare, and Seaford sewer and water projects.

Chairman Burgett called to order a public hearing on proposed Resolution R01-39 which was duly advertised as required by law and is entitled:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON
AND TAKE CERTAIN EASEMENTS IN CONNECTION WITH THE
CLAXTON CREEK, DARE, AND SEAFORD SEWER/WATER PROJ-
ECTS

There being no one present who wished to speak concerning the subject resolution, Chairman Burgett closed the public hearing.

Mr. Zarembo asked how the value of the easements are determined.

Mr. Barnett explained that staff uses a formula that is based on the appraised value of the property. A permanent easement is 50 percent of the assessed value, and a temporary construction easement is 10 percent.

Mr. Wiggins moved the adoption of proposed Resolution R01-39 that reads:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON
AND TAKE CERTAIN EASEMENTS IN CONNECTION WITH THE
CLAXTON CREEK, DARE, AND SEAFORD SEWER/WATER PROJ-
ECTS

WHEREAS, it is necessary to obtain certain easements in connection with the above-named sewer/water projects; and

WHEREAS, for various reasons, the County is not able to obtain from the owners of such property clear title to the interests in real estate necessary, or no agreement has been reached as to the consideration to be paid for the said interests; and

WHEREAS, appraisals and plats of the interests in real property to be acquired have been prepared; and

WHEREAS, § 15.2-1905 E, Code of Virginia, authorizes the Board to adopt a resolution following a public hearing on the matter declaring its intent to enter and take specified properties, rights-of-way or easements for such purposes as constructing, installing, expanding, maintaining, or repairing pipelines, meter boxes, pumps, or any other appurtenances to a sewerage disposal and water system;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of March, 2001, that the Board finds that it is necessary for the protection and preservation of the public health, safety and welfare, and for the timely completion of the Claxton Creek, Dare and Seaford sewer/water projects, for the County, its officers, employees and agents to enter upon and take the interests in real property described below prior to the initiation of condemnation proceedings.

BE IT FURTHER RESOLVED that the interests to be taken, and the compensation and damages, if any, offered by the County for each are the following, which interests are more particularly described on the plats attached to the Report of the County Attorney dated February 14, 2001, and incorporated herein by this reference:

Tax Map No. 25-294	"Plat of Easement from Mary E. Parker to County of York, Virginia, Project: Seaford Area Sanitary Sewer," as shown on the referenced plat dated July 18, 2000, prepared by Bengtson, DeBell & Elkin, and designated as "C/L 10' Permanent Drainage and Utility Easement, 903 S.F." Value offered to Owner: \$131.00.
Tax Map No. 25A-2-A	"Plat of Easement Conveyance from Estate of Mary W. Montgomery to County of York, Virginia, Located: Grafton Magisterial District, York County, Virginia," as shown on the referenced plat dated February 29, 2000, prepared by Mitchell-Wilson Associates, P.C., and designated as a "10' x 20' Utility Easement, Area = 199.69 S.F. or 0.01 Ac." Value offered to Owner: \$122.00.
Tax Map No. 25A-2-A2	"Plat of Easement Conveyance from Norwood P. Montgomery to County of York, Virginia, Located: Grafton Magisterial District, York County, Virginia," as shown on the referenced plat dated February 2, 2000, prepared by Mitchell-Wilson Associates, P.C., and designated as a "10' x 20' Utility Easement, Area = 200.00 S.F. or 0.01 Ac." Value offered to Owner: \$124.00.
Tax Map No. 30-63-4	"Plat of Easement Conveyance From: Mario C. Buffa, et ux, To: The County of York, Virginia, Project: Dare Vacuum Sewer," as shown on the referenced plat dated September 27, 2000, prepared by AES Consulting Engi-

neers, and designated as a "10' Permanent Utility Easement," and a "Temporary Construction Easement to P/L." Value offered to Owner: \$1,424.00.

Tax Map No. 30-120A	"Plat of Easement Conveyance From: William A. Green, To: The County of York, Virginia, Project: Dare Vacuum Sewer," as shown on the referenced plat dated September 27, 2000, prepared by AES Consulting Engineers, and designated as a "Permanent Utility Easement (7,066 S.F.±) and a "10' Temporary Construction Easement." Valued offered to Owner: \$2,364.00.
Tax Map No. 30-92B	"Plat of Easement Conveyance From: Alonzo Allen Hogge, Jr., To: The County of York, Virginia, Project: Dare Vacuum Sewer," as shown on the referenced plat dated September 27, 2000, prepared by AES Consulting Engineers, and designated as a "Permanent Utility Easement." Valued offered to Owner: \$91.00.
Tax Map No. 30-87C	"Plat of Easement Conveyance From: Edward F. Easley, et ux, To: The County of York, Virginia, Project: Dare Vacuum Sewer," dated September 27, 2000, prepared by AES Consulting Engineers, and designated as a "Permanent Utility Easement." Value offered to Owner: \$133.00.
Tax Map No. 30-15-3B-8	"Plat of Easement Conveyance From: Joseph M. Green, et ux, To: The County of York, Virginia, Project: Dare Vacuum Sewer," dated September 27, 2000, prepared by AES Consulting Engineers, and designated as a "Permanent Utility Easement." Value offered to Owner: \$73.00.
Tax Map No. 30-85	"Plat of Easement Conveyance From: Marian E. Butler, To: The County of York, Virginia, Project: Dare Vacuum Sewer," dated September 27, 2000, prepared by AES Consulting Engineers, and designated as a "Permanent Utility Easement." Value offered to Owner: \$600.00.
Tax Map No. 30-123G	"Plat of Easement Conveyance From: Maximino Feliciano, To: The County of York, Virginia, Project: Dare Vacuum Sewer," dated September 27, 2000, prepared by AES Consulting Engineers, and designated as a "Permanent Utility Easement." Value offered to Owner: \$383.00.
Tax Map No. 30B-2-5	"Plat of Easement Conveyance From: Nadine T. Bunn, To: The County of York, Virginia, Project: Dare Vacuum Sewer," dated September 27, 2000, prepared by AES Consulting Engineers, and designated as a "Permanent Utility Easement." Value offered to Owner: \$194.00.

Tax Map No. 30-80A	"Plat of Easement Conveyance From: Paul A. Wilford, et als, To: The County of York, Virginia, Project: Dare Vacuum Sewer," dated September 27, 2000, prepared by AES Consulting Engineers, and designated as a "Permanent Utility Easement." Value offered to Owner: \$65.00.
Tax Map No. 30-1-2	"Plat of Easement Conveyance From: E. Neil Pickett, To: The County of York, Virginia, Project: Dare Vacuum Sewer," dated September 27, 2000, prepared by AES Consulting Engineers, and designated as a "Permanent Utility Easement." Value offered to Owner: \$336.00.
Tax Map No. 30-1-4	"Plat of Easement Conveyance From: E. Neil Pickett, To: The County of York, Virginia, Project: Dare Vacuum Sewer," dated September 27, 2000, prepared by AES Consulting Engineers, and designated as a "Permanent Utility Easement." Value offered to Owner: \$246.00.
Tax Map No. 30-63-1	"Plat of Easement Conveyance From: Wilbur R. Todd, et ux, To: The County of York, Virginia, Project: Dare Vacuum Sewer," dated September 27, 2000, prepared by AES Consulting Engineers, and designated as a "Permanent Utility Easement." Value offered to Owner: \$148.00.

BE IT STILL FURTHER RESOLVED that the Chairman of the Board of Supervisors, the County Treasurer and the County Attorney are hereby authorized and directed, for and on behalf of the County, to execute certificates to be recorded in the Office of the Clerk of the Circuit Court for York County, certifying the amounts set forth above as the fair value, and damages if any, of the interests to be taken, will be paid the owners in accordance with the provisions of State law and upon order of the Court.

BE IT STILL FURTHER RESOLVED that the County Attorney be, and he is hereby, authorized, if necessary and appropriate, at any time following the date of this Resolution, to institute condemnation proceedings in the name of the Board of Supervisors to acquire title to the interests in the property described above, including, if necessary, any other easements or restrictions that may affect the easements sought to be acquired, and to do all things necessary as a prerequisite thereto.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett
Nay: (0)

CITIZENS COMMENT PERIOD (Continued)

Mr. Daniel Comber, 121 Penn Drive, stated he was present on behalf of the president of the Quaker Estates Homeowners' Association regarding the Burke development. He stated many people had spoken and expressed the position of Quaker Estates very well. He stated they would also like to see the separation of the wording for the proposed development eliminated

from the resolution for the water extension agreement. Mr. Comber stated the Waltrip people are less than good neighbors, and there is question as to how honest they are with what has been removed from the site. He asked the Board to make choices on the school and the water and sewer extension based on their merits individually.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett stated the General Assembly has finished the major part of its business, and he hoped at the Board's next meeting to give the members a more complete report on the General Assembly's actions. He then stated that he and Mrs. Hook would be out of the office on Thursday and Friday in Richmond attending the Local Government Attorneys' conference.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds stated the application for no wake buoys had been withdrawn, but the citizens group still planned on meeting with the Virginia Department of Game and Inland Fisheries to go over procedures for sign installation and no wake enforcement. He indicated the Board had been provided with informational material for the March 13 work session on the budget. On March 20 he planned to ask the Board members which subjects/items they wished to discuss for the other scheduled work sessions. Mr. McReynolds then briefed the Board members on his meeting last week with the Homeowners Associations, stating they had a good information session and received a briefing on the construction of the proposed community center. He also noted the public hearing on the FY2002 budget was scheduled for 7:00 p.m., Thursday, March 15, 2001, in the Board Room of York Hall. He stated the Board members also received from the Director of Economic Development some information they inquired about regarding properties in the County and existing businesses. Mr. McReynolds indicated staff was planning to include something along these lines on the website.

MATTERS PRESENTED BY THE BOARD

Mr. Zaremba spoke regarding the water and sewer extension issue before the Board this evening, stating a meeting was held this past Thursday with the residents of the upper County, and the response was outstanding. There were over 100 residents present, and Mr. Zaremba congratulated the County staff who were present. He stated about 95 percent of the attendees expressed opposition to the proposal because they did not feel the developer had been a good neighbor. He stated the meeting was a great demonstration of the County residents expressing their views and the engineer responding in a factual manner. The representative from the Williamsburg Christian Academy discussed the proposal, and a couple of issues were resolved. There was a desire to separate the issues of the water and sewer extension from the initiative on the part of the school to build a facility on the property, and since last Thursday the staff had been working to draft an amended resolution to separate the two issues. He stated he felt the new draft was very close to the wording proposed by the residents and was responsive to the residents.

Mr. Wiggins also spoke regarding the meeting held last Thursday, stating he had no idea the residents had gone through so much with Mr. Waltrip for so long, and he could understand why they would be skeptical as far as any agreement the County might have with him. He stated the citizens of the County expect the Board to close up any loopholes there might be in the County's ordinances, and staff is now in the process of looking at the Zoning Ordinance. He

also mentioned the issue of marinas, stating it was never intended for a restaurant to be placed at a marina. Eating establishments and restaurants are two very different things, and he stated he felt very good about the amended resolution. Mr. Wiggins stated the County needs water and sewer in the upper county, and the Board should do whatever it can to expedite the process.

Mrs. Noll spoke concerning the need for the NASA facility to continue to be funded in the area of aeronautical research and development in order for the country to remain dominate in the area of flight. She stated the citizens need to pay attention so that support for NASA's programs is not lost.

Mr. Ashe stated last week he had a meeting with the Commissioner of VDOT in order to secure funding for the Yorktown Beach improvements. He stated the Commissioner was very supportive, and another meeting was scheduled. Mr. Ashe stated he felt the improvements on the beach will very possibly be achieved. He reported that he had also received several calls from residents of Woodlake Crossing about drainage problems. Brian Woodward was working on these calls and will be responding directly back to the citizens.

Chairman Burgett stated he felt it was time for the Board to start taking action to select a permanent County Administrator. He proposed that the Board be given all the applications on March 20, and at its April 3 Regular Meeting the Board would hold a closed meeting to go through them and select those candidates to interview on April 10. Chairman Burgett indicated he hoped the Board could announce a selection on April 17.

Mrs. Noll stated her only question was whether or not there would be enough time to do background checks.

Chairman Burgett indicated if a problem arose, the Board would do whatever it took to make the selection properly. He then noted the Board had held a joint meeting with the York County School Board and received a briefing on its preliminary budget for FY2002. He discussed the Peninsula Alliance for Economic Development, stating how important the group was as it affects a wide range of people through its training efforts and providing the necessary workforce to man the area's technological positions. Chairman Burgett also commented on the breakfast he attended hosted by the Office of Economic Development, stating it was a resounding success and very informative for those in attendance.

UNFINISHED BUSINESS

PUBLIC WATER AND SEWER EXTENSION AGREEMENTS—BURKE DEVELOPMENT

Mr. McReynolds noted the Board had tabled consideration of the public water and sewer agreements at its last meeting in order to redraft the resolution. He stated the plans were to extend the water and sewer facilities to this area with or without developer participation, and these agreements did not convey any additional rights to the developer.

Mr. John Hudgins, Director of Environmental and Development Services, made a brief presentation providing the Board with information concerning the utility extension proposal. He provided background information concerning the approval of the Utilities Strategic Capital Plan to provide utilities throughout the County. Two of the projects in the plan were contained in the agreements before the Board—the Lightfoot water and the Skimino Hills sewer. He stated these extensions were important in providing quality water and sanitary facilities in

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the upper part of the County. He displayed for the Board a ranking of the utility projects contained in the Strategic Plan, and explained the path that the utilities will take from the Lightfoot area going under Interstate-64 and terminating in the Kingsgate area. Mr. Hudgins noted that as a result of the meeting held on March 1 with the residents, a handout was developed and issued to answer many of the questions asked by the attending residents. He pointed out that there was no intent to mislead the public or the Board through the wording in the original resolution. These agreements are always considered and executed before any development agreements are considered.

Mr. Wiggins asked if the water extension will eliminate the bad water in that area.

Mr. Hudgins stated all the water comes from the same aquifer. This agreement will allow another source to maintain water flow to the citizens. It improves pressure and allows the County to maintain pressure if one of its wells were to go dry.

Mr. Brian Woodward, Chief Engineer, indicated the quality of the water would not improve. He stated it was his understanding from the citizens of the area that they have excellent water.

Mr. Zaremba spoke of the need for sewer facilities in the upper County, and he asked if the sewer and water projects would be done in a parallel fashion.

Mr. Hudgins indicated that from a construction standpoint it would add to the cost of running utilities if the projects were done separately. He stated it makes good economic sense to do them at the same time.

Mr. Zaremba stated the revised resolution was drafted without the language pertaining to the proposed development, and he asked what benefit does the agreement provide to the developer.

Mr. Hudgins stated that under the current Zoning Ordinance the developer could get approximately 57 parcels to develop, whereas without sewer and water he could get only 30 to 35.

Mr. Wiggins stated he felt very good about the proposed agreements and that the staff has answered the residents' concerns.

Chairman Burgett reiterated that these agreements were for water and sewer extension only, and they did not approve any subdivision. The County's schedule includes bringing in water and sewer to this area; and doing it through this route, the County will spend less money doing it.

Mrs. Noll then moved the adoption of proposed Resolution R01-30(R-1) that reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE (OFF-SITE) PUBLIC WATER AND SEWER EXTENSION
AGREEMENTS PURSUANT TO SECTIONS 18.1-53(B) AND
22-88 OF THE YORK COUNTY CODE

WHEREAS, the Jamestown Management Co., LLC, on the behalf of Burke, LLC, has requested that the County enter into an off-site public water extension agreement pursuant to § 22-88 (b) of the York County Code to extend utilities to property shown in the County's land records, Tax Map #9-2; and

WHEREAS, the Jamestown Management Co., LLC, has requested that the County par-

ticipate financially in the extension of the water line, under an arrangement through which the developer will provide all the necessary labor and equipment to construct the water line, and the County will provide all the necessary materials for the water line; and

WHEREAS, the Jamestown Management Co., LLC, has also requested an off-site public sewer extension agreement pursuant to Section 18.1-53(b) of the York County Code; and

WHEREAS prior to any additional engineering on potential development opportunities, the developer has requested that a determination be made as to whether the Board will authorize these extensions of the public facilities of the County; and

WHEREAS, the developer will receive \$60,000 in system facility credits to be applied against the sanitary sewer connection fees due from the developer;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of March, 2001, that the Board approves the extension of the County's public water and sewer systems, and that the County Administrator be, and hereby is, authorized to execute off-site public water and sewer extension agreements with Burke, LLC, for the proposed extensions of utilities to property shown in the County's land records as Tax Map #9-2; such agreements to be approved as to form by the County Attorney.

On roll call the vote was:

Yea:	(4)	Noll, Wiggins, Ashe, Burgett
Nay:	(1)	Zaremba

CONSENT CALENDAR

Mr. Ashe stated he understood the need to replenish the sand at the beach, but expressed his concern about the costs and the future of the beach in Yorktown.

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item No. 3.

On roll call the vote was:

Yea:	(4)	Wiggins, Zaremba, Noll, Burgett
Nay:	(1)	Ashe

Thereupon, the following resolution was adopted:

Item No. 3. PURCHASE AUTHORIZATION: Resolution R01-46

A RESOLUTION TO AUTHORIZE PURCHASE OF SAND FOR BEACH FILL REPLENISHMENT

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

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WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6^h day of March, 2001, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

	<u>AMOUNT</u>
Sand	\$ 110,000

NEW BUSINESS

REQUEST FOR BONDED INDUSTRIAL ACCESS ROAD FUNDING AT INTERNATIONAL CENTER BUSINESS PARK

Mr. McReynolds made a brief presentation on proposed Resolution R01-44 to make application to the Virginia Department of Transportation for Bonded Industrial Access Road funding for new road construction to access property at International Center Business Park, and proposed Resolution R01-45 to authorize the execution of an agreement with Bulifants, L.P., regarding the construction costs of the industrial access road. He stated the County was serving as a conduit between the developer and the state, and it will open access to the area targeted for industrial parks.

Chairman Burgett asked if it would be through bonds or letters of credit.

Mr. James Noel, Director of Economic Development, stated the program allows different methods of surety, and whatever was acceptable to VDOT and the County would be utilized.

Mr. Zaremba stated he wanted to make sure the County wouldn't be responsible once the surety was in place.

Mr. Wiggins stated he had reviewed the agreement several times, and he did not see how the County could be held liable for anything. He stated he felt it was a wonderful opportunity.

Mr. Wiggins then moved the adoption of proposed Resolution R01-44 that reads:

A RESOLUTION TO REQUEST BONDED INDUSTRIAL ACCESS ROAD FUNDING AT INTERNATIONAL CENTER BUSINESS PARK

WHEREAS, the Bulifants, L.P., has acquired property located in the County of York for the purpose of industrial development; and

WHEREAS, this property is expected to be the site of new private capital investment in land, building, and manufacturing equipment which will provide substantial employment; and

WHEREAS, the subject property has insufficient access to a public street or highway to support the proposed development and will require the construction of a new roadway to connect with Mooretown Road (Route 603); and

WHEREAS, the County of York hereby guarantees that the necessary right of way for this new roadway and utility relocations or adjustments, if necessary, will be provided at no cost to the Virginia Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 6th day of March, 2001, that it does hereby request that the Commonwealth Transportation Board provide Bonded Industrial Access Road Funding to provide an adequate road to this project; and

BE IT FURTHER RESOLVED that the Board hereby agrees to provide a surety or bond, acceptable to and payable to the Virginia Department of Transportation, in the full amount of the cost of the road; this surety shall be exercised by the Department of Transportation in the event that sufficient qualifying capital investment does not occur on York County Tax Map No. 2, Parcel 34, within five years of the Commonwealth Transportation Board's allocation of funds pursuant to this request.

BE IT FURTHER RESOLVED that the York County Board of Supervisors does hereby agree that the new roadway so constructed will be added to and become a part of the Secondary System of Highways.

On roll call the vote was:

Yea: (5) Ashe, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

Mrs. Noll then moved the adoption of proposed Resolution R01-45 that reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO ENTER INTO AN AGREEMENT WITH BULIFANTS, L.P. REGARD-
ING CONSTRUCTION COSTS OF AN INDUSTRIAL ACCESS ROAD

WHEREAS, Bulifants, L.P. desires to develop an industrial park on property fronting on Mooretown Road in York County, identified as York County Tax Map Parcel No. 2-34; and

WHEREAS, Bulifants, L.P. desires that the County shall apply to the Commonwealth Transportation Board for Bonded Industrial Access Road funding to pay for the costs of construction of an access road to the proposed industrial park; and

WHEREAS, this Board desires to do so, provided that Bulifants, L.P. shall guarantee and hold harmless the County from all road construction costs and from any liability which the county may incur to the Commonwealth Transportation Board for such costs pursuant to the Bonded Industrial Access Roads Program of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of March, 2001, that the County Administrator be, and is hereby authorized, for and on behalf of the Board, to execute an agreement with Bulifants, L.P., by which Bulifants, L.P. agrees to guarantee and hold harmless the County from all construction costs for such access road, and to post a bond or other surety acceptable to the County to guarantee and hold harmless the County from payment on any bonds or other surety which the County shall be required to post with the Commonwealth Transportation Board pursuant to the terms and conditions of the Bonded Industrial Access Roads Program, such agreement to be substantially

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similar in form to the agreement attached to the County Administrator's report to the Board dated February 23, 2001, such agreement to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett
Nay: (0)

CLOSED MEETING. At 9:12 p.m. Mr. Wiggins moved that the meeting be convened in Closed Meeting pursuant to Section 2.1-344(a)(7) of the Code of Virginia pertaining to consultation with legal counsel on a specific legal matter.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Ashe, Zaremba, Burgett
Nay: (0)

Meeting Reconvened. At 9:25 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Zaremba moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED MEET-
ING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 6th day of March, 2001, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Wiggins, Ashe, Zaremba, Noll, Burgett
Nay: (0)

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Meeting Adjourned. At 9:27 p.m. Chairman Burgett declared the meeting adjourned to 6:30 p.m., Tuesday, March 13, 2001, in the East Room, York Hall, for the purpose of conducting a work session.

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors